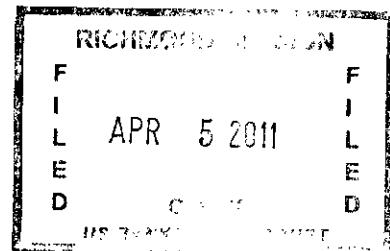


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10 a Delaware limited partnership



11
12 UNITED STATES BANKRUPTCY COURT
13 EASTERN DISTRICT OF VIRGINIA
14 RICHMOND DIVISION

15 IN RE: Chapter 11
16 CIRCUIT CITY STORES, INC., *et al.*, Case No. 08-35653-KRH
17 Debtors. Jointly Administered

18
19 **DONAHUE SCHRIBER REALTY GROUP, L.P.'S RESPONSE TO**
20 **LIQUIDATING TRUST'S TWENTIETH OMNIBUS**
21 **OBJECTION TO LANDLORD CLAIMS [Docket # 10072]**

22 Creditor Donahue Schriber Realty Group, L.P., a Delaware limited partnership ("DSRG"),
23 hereby responds to Liquidating Trust's Twentieth Omnibus Objection to Landlord Claims
24 ("Objection")

25 1. On November 10, 2008, Circuit City Stores, Inc. ("Debtor") and its related
26 companies filed voluntary petitions for relief under Chapter 11 of the United State Bankruptcy
27 Code.

28 2. DSRG timely filed its Administrative Expense Claim no. 12863 for post-petition
rent and leasehold expenses in the amount of \$40,726.80.

29 ////
30 ////

3. DSRG has confirmed that, subsequent to the filing of its Administrative Expense Claim, Debtor did pay post-petition rent and leasehold expenses for March 1-10, 2009 in the amount of \$11,752.80. Therefore, DSRG's Administrative Expense Claim should be reduced to \$28,974.00.

5 4. Additionally, the Objection seeks to reduce DSRG's claim for post-petition
6 attorneys' fees in the amount of \$4,685.00. Paragraph 23.17 of the Lease between Debtor and
7 DSRG, a copy of which is attached to the Administrative Expense Claim filed by DSRG¹,
8 provides that in a proceeding to enforce the terms of the Lease, the prevailing party is entitled to
9 recover its reasonable costs and expenses in the proceeding. Bankruptcy is such a proceeding.
10 DSRG was required to engage attorneys to enforce the terms of the Lease by gaining Debtors'
11 payment of post-petition taxes and post- and pre-petition rent and leasehold expenses by the filing
12 of its Proof of Claim and Administrative Expense Claim. Therefore, the inclusion of attorneys'
13 fees is proper.

14 5. The foregoing averments are based upon the personal knowledge of the following
15 individual:

Sheryl Beamer
Donahue Schriber Realty Group, LP
3501 Del Paso Boulevard, Suite 100
Sacramento, California 95835
(916) 920-5555

20 6. Pursuant to this Court's Order Establishing Omnibus Objection Procedures and
21 Approving the Form and Manner of Notice of Omnibus Objection ("Order"), DSRG will provide
22 such additional documentation as it may have upon request.

23 7. Pursuant to the Order, DSRG's notice address is identical with the address of the
24 undersigned counsel.

25 | //

26 | ////

27 | //

¹ Should the Court, Debtor or any other party request a copy of the Lease, it will be provided.

1 WHEREFORE, Donahue Schriber Realty Group, LP prays that this Court enter and order
2 (1) reducing the post-petition rent sought in DSRG's Administrative Expense Claim to
3 \$28,974.00; (2) allow the claim for attorneys' fees pursuant to the Lease; and (3) grant DSRG
4 such other and further relief as this Court may deem appropriate.

5
6 Dated: April 5, 2011

TRAINOR FAIRBROOK

7
8 By: /s/ Jennifer L. Pruski
9 JENNIFER L. PRUSKI

10 Attorney for Creditor
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DECLARATION OF JENNIFER L. PRUSKI

I, Jennifer L. Pruski, declare:

I am an attorney with Trainor Fairbrook and for Creditor Donahue Schriber Realty Group, L.P. As to the matters set forth herein, if called upon testify, I could and would competently testify thereto, for I know the matters to be true of my own personal knowledge or my review of the billing records related to this matter which are kept in the ordinary course of business.

I have reviewed the billing invoices and all the attorneys' fees related to time incurred after Debtors' filing of bankruptcy. The billing invoices related to our review of bankruptcy documents, handling of store closing issues, seeking out and corresponding with Debtor's counsel regarding the payment of post-petition property taxes, and filing the appropriate bankruptcy claims. It is my opinion that all of these tasks were required to enforce the terms of the Lease and therefore, is recoverable as post-petition administrative expenses pursuant to the contractual provision in the Lease.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 5, 2011 in Sacramento, California.

/s/ Jennifer L. Pruski
Jennifer L. Pruski

PROOF OF SERVICE BY FEDERAL EXPRESS

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 980 Fulton Avenue, Sacramento, California 95825-4558. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On April 5, 2011 I placed a true and correct copy of the within documents:

**DONAHUE SCHRIBER REALTY GROUP, L.P.'S RESPONSE
TO LIQUIDATING TRUST'S TWENTIETH OMNIBUS
OBJECTION TO LANDLORD CLAIMS [Docket # 10072]**

in a sealed envelope, postage fully paid, addressed as follows:

Jeffrey N. Pomerantz, Esquire
Andrew W. Caine, Esquire
(admitted *pro hac vice*)
Pachulski Stang Siehl & Jones, LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067-4100

Lynn L. Tavenner, Esquire
Paula S. Beran, Esquire
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia 23219

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 5, 2011, at Sacramento, California.

Sandra Morris
Sandra Morris

Sandra Morris